

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re:

Ark Laboratory, LLC
a/k/a Helix Diagnostics,

Debtor In Possession.

Case No. 23-43403-mlo
Hon. Maria L. Oxholm
Chapter 11

MEDICAL REAL ESTATE GROUP LLC'S OBJECTION TO CURE AMOUNT

Medical Real Estate Group, LLC ("Landlord"), by counsel, for its Objection to Cure Amount says:

1. On January 1, 2021, Ark Laboratory, LLC a/k/a Helix Diagnostics ("Helix" or "Debtor") and the Landlord entered into the Gross Lease ("Lease") for its place of business at 6620 Highland Road, Waterford, Michigan ("Premises").
2. The Landlord filed suit against the Debtor for unpaid rent and a writ of eviction in the 51st District Court for Oakland County Michigan (Case No. 23-0659-LT) ("District Court Case"). On April 12, 2023, a hearing was held in the District Court Case. The Court granted judgment in the amount of \$252,679 with interest at the statutory rate against the Debtor and in favor of the Landlord and ordered that a writ of restitution to evict Defendant from the Premises may be issued if the amount of the judgment was not paid within 7 days. A judgment was submitted for entry on that date and was entered on April 14, 2023. The Lease and the Judgment are attached to the Landlord's Proof of Claim filed on May 17, 2023, as Claim #25.
3. On April 12, 2023 (the "Petition Date"), after the hearing in the District Court Case the Debtor filed its Chapter 11 petition in Case No. 23-43403 ("Bankruptcy Case").
4. As part of the approved budget under the Cash Collateral Order entered in the Bankruptcy

Case, the Debtor was required to make monthly rent payments to the Landlord in the amount of \$49,561.40. See, e.g. Further Budget for Interim Order Authorizing Use of Cash Collateral Order and Granting Adequate Protection dated June 1, 2023 (DE #130). However, the Debtor failed to make a rent payment for July.

5. The Lease is an unexpired lease under 11 U.S.C. § 365.

6. Pursuant to Section 365(d)(2) of the Bankruptcy Code, 11 U.S.C. § 365(d)(2), a court may order the trustee (or debtor in possession) to determine within a specified period of time whether to assume or reject an executory contract.

7. On July 10, 2023, Debtor filed its Motion and Memorandum of Debtor to Assume and Assign Certain Executory Contracts and Unexpired Leases and for Related Relief (DE #153) (the “Assumption Motion”).

8. The Assumption Motion lists a cure amount related to the Lease in the amount of \$256,060.34.

9. The correct amount owed to the Landlord to cure the Lease as of July 15, 2023, is \$324,652.33 consisting of the amount of the Judgment, statutory interest on the Judgment in the amount of \$2411.84 and the unpaid rent for July of 2023.

WHEREFORE, Medical Real Estate Group, LLC respectfully requests that this Court enter an Order establishing that the cure amount is \$324,652.33 to be paid as a condition for the assumption and assignment of the Lease and grant all necessary and proper relief.

Respectfully submitted,

BY: /S/ Steven Alexsy
Steven Alexsy (P33438)
Counsel for 6600 Highland, LLC
29580 Northwestern Hwy., Ste. 1000
Southfield, MI 48075
(313) 333-4902
sa@alawdetroit.com

Dated: July 20, 2023

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

ARK LABORATORY, LLC,

Debtor.

Bankruptcy Case No. 23-43403-MLO

Chapter 11

Hon. Maria L. Oxholm

_____ /

CERTIFICATE OF SERVICE

I, Antinette Gaty, hereby certify that on July 20, 2023, I electronically filed the following:

MEDICAL REAL ESTATE GROUP, LLC'S OBJECTION TO CURE AMOUNT

with the Clerk of the Court using the ECF and I hereby certify that the Court's ECF System has served all registered users.

Subscribed and sworn to before me
this 20th day of July, 2023

/S/ Antinette Gaty
Antinette Gaty, Notary Public
Wayne County, Michigan
My commission expires: 03/02/2025

/S/ Steven Alexsy
STEVEN ALEXSY (P33438)
29580 Northwestern Hwy., Ste. 1000
Southfield, MI 48075
(313) 333-4902
Counsel for 6600 Highland, LLC
sa@alawdetroit.com